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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/764,431	01/19/2001	Yoshikazu Watanabe	202127US2	7063

22850 7590 05/21/2007

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EXAMINER
JONES, HEATHER RAE

ART UNIT	PAPER NUMBER
2621	

NOTIFICATION DATE	DELIVERY MODE
05/21/2007	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No.	Applicant(s)	
	09/764,431	WATANABE, YOSHIKAZU	
	Examiner	Art Unit	
	Heather R. Jones	2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *15 February 2007*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,3-12,14-23,25-36,38-41 and 43-55* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☒ Claim(s) *34,35,39-41 and 43-49* is/are allowed.

6)☒ Claim(s) *1,3-12,14-23,25-33 and 50-55* is/are rejected.

7)☒ Claim(s) *36 and 38* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *19 January 2001* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1, 3-12, 14-23, 25-33, and 50-55 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 1, 3, 7, 8, 50, and 51 are rejected under 35 U.S.C. 103(a) as being unpatentable over Honma (U.S. Patent 6,304,313) in view of Ejima et al. (U.S. Patent 6,259,469) in view of Nemoto et al. (JP 9-23375) in view of Katayama et al. (U.S. Patent 6,389,179).

Regarding claim **1**, Honma discloses in Fig. 1 a digital camera (101) having a normal shooting mode and a text shooting mode (col. 14, lines 31-35), comprising: an image pickup unit (103) which captures an image of a subject and converts the image into image data (col. 5, lines 33-38); a compressing unit (106) which generates compressed image data by compressing the image data outputted from the image pickup unit (col. 5, lines 33-38); a storage unit (107) which stores the compressed image data (col. 5, line 38); a decompressing unit (108) which compresses the compressed image data (col. 5, lines 39-40); a

switching unit (a switch on the user interface (111)) which switches the normal shooting mode to the text shooting mode and vice versa (col. 6, lines 34-44); and an image processing unit (117) which performs image processing to the image data, wherein, after the decompressing unit decompresses the compressed image data of an image captured in the text shooting mode and stored in the storage unit, the image processing unit effects image processing appropriate to a transmission destination to resulting decompressed image data (col. 5, line 66 – col. 6, line 9). However, Honma fails to explicitly teach a digital camera with which a transmission destination unit which selects a destination to transmit the image data to, the destination being one of a facsimile machine or an email address, wherein the image processing is different for the email address and the facsimile machine; that the image processing unit detects a shooting angle of the digital camera with respect to the subject; and in the text shooting mode, the storage unit stores shooting condition data in a one-to-one correspondence with the compressed image data, and the image processing unit effects the image processing to the image data based on the shooting condition data.

Referring to the Ejima et al. reference, Ejima et al. discloses a digital camera comprising a transmission destination unit which selects a destination to transmit the image data to, the destination being one of a facsimile machine or an email address; and an image processing unit that performs image processing differently for the email address and the facsimile machine (abstract; Figs. 20-26; col. 24, lines 47-51; col. 28, lines 12-15).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have combined the teaching of allowing the user to send image data to various locations as disclosed by Ejima et al. with the digital camera disclosed by Honma in order to make the camera more versatile by providing the user with more options than just sending an image to a printer. However, Honma in view of Ejima et al. fail to disclose a digital camera with an image processing unit detects a shooting angle of the digital camera with respect to the subject and in the text shooting mode, the storage unit stores shooting condition data in a one-to-one correspondence with the compressed image data, and the image processing unit effects the image processing to the image data based on the shooting condition data.

Referring to the Nemoto et al. reference, Nemoto et al. discloses a digital camera wherein the image processing unit detects a shooting angle of the digital camera with respect to the subject (constitution).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have combined the angle detection unit as disclosed by Nemoto et al. with the digital camera disclosed by Honma in view of Ejima et al. in order to provide a proper quality image in accordance with the photographic conditions (the position of the subject). However, Honma in view of Ejima et al. in view Nemoto et al. fails to disclose the storage unit storing shooting condition data in a one-to-one correspondence with the compressed

image data, and the image processing unit effects the image processing to the image data based on the shooting condition data.

Referring to the Katayama et al. reference, Katayama et al. discloses a storage unit that stores shooting condition data in a one-to-one correspondence with the compressed image data, and the image processing unit effects the image processing to the image data based on the shooting condition (Fig. 9; col. 13, lines 6-15).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have stored the shooting condition data in a one-to-one correspondence with the compressed image data as taught by Katayama et al. with the digital camera disclosed by Honma in view of Ejima et al. in view of Nemoto et al. in order to easily process the image according to the shooting conditions.

Regarding claim **3**, Honma in view of Ejima et al. in view of Nemoto et al. in view of Katayama et al. discloses all the limitations as previously discussed with respect to claim 1 as well as disclosing that the digital camera further comprises a data communication unit (116) which allows a data communication with an external device (Honma: col. 5, lines 62-65).

Regarding claims **7** and **8**, please see the rejection basis/rationale as described in claims 1 and 3 (respectively) above.

Regarding claim **50**, Honma in view of Ejima et al. in view of Nemoto et al. in view of Katayama et al. disclose all the limitations as previously discussed with

respect to claim 1, including that the shooting condition data includes at least one of shooting magnification and guidance frame information (Katayama et al.: Fig. 9 – the header provides focus information which in turns provides information regarding the shooting magnification).

Regarding claim **51**, please see the rejection basis/rationale as described in claim 50 above.

4. Claims 4-6 and 9-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Honma in view of Ejima et al. in view of Nemoto et al. in view of Katayama et al. as applied to claims 1, 3, 7, and 8 above, and further in view of Safai et al. (U.S. Patent 6,167,469).

Regarding claim **4**, Honma in view of Ejima et al. in view of Nemoto et al. in view of Katayama et al. discloses all the limitations as previously discussed with respect to claims 1 and 3, but fails to disclose that the digital camera further comprises: a memory which stores name and/or telephone number and/or address of a destination, and an image deleting flag that specifies whether the image data should be deleted or not after transmission in a one-to-one correspondence; and a deleting unit; which deletes the image data that has been transmitted through the data communication unit in accordance with the image deleting flag stored in the memory.

Referring to the Safai et al. reference, Safai et al. discloses a digital camera that comprises: a memory (212) which stores name and/or telephone number and/or address of a destination (col. 2, lines 45-48; col. 9, lines 15-45),

and an image deleting flag that specifies whether the image data should be deleted or not after transmission in a one-to-one correspondence (Fig. 4F; col. 12, lines 55-60; delete option check box (472)); and a deleting unit (trash (442); Fig. 4C) which deletes the image data that has been transmitted through the data communication unit in accordance with the image deleting flag stored in the memory (col. 10, lines 60-67).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have stored the addresses and controlled the deleting of images as described by Safai et al. with the digital camera disclosed by Honma in view of Ejima et al. in view of Nemoto et al. in view of Katayama et al. in order to allow the camera to be more user friendly.

Regarding claim **5**, Honma in view of Ejima et al. in view of Nemoto et al. in view of Katayama et al. in view of Safai et al. discloses all the limitations as previously discussed with respect to claims 1 and 3 including that digital camera further comprises a deleting unit which deletes the image data that has been transmitted through the data communication unit depending on a transmission destination (Safai et al.: col. 12, lines 55-60; col. 8, lines 61-67 – email or physical mail address).

Regarding claim **6**, Honma in view of Ejima et al. in view of Nemoto et al. in view of Katayama et al. in view of Safai et al. discloses all the limitations as previously discussed with respect to claims 1, 3, and 4 including that a manipulator is allowed to arbitrarily set a content of the memory (Safai et al.: col.

3, lines 23-28 – operator can delete unwanted images using the Trash icon to free up memory space).

Regarding claims **9-11**, please see the rejection basis/rationale as described in claims 4-6 (respectively) above.

5. Claims 12, 14, 18, 19, 23, 25, 29, 30, 52, 54, and 55 are rejected under 35 U.S.C. 103(a) as being unpatentable over Honma (U.S. Patent 6,304,313) in view of Ejima et al. (U.S. Patent 6,259,469) in view of Fellegara et al. (U.S. Patent Application Publication 2001/0015760) in view of Nemoto et al. (JP 9-23375) in view of Katayama et al. (U.S. Patent 6,389,179).

Regarding claim **12**, Honma discloses in Fig. 1 a digital camera (101) having a normal shooting mode and a text shooting mode (col. 14, lines 31-35), comprising: an image pickup unit (103) which captures an image of a subject and converts the image into image data (col. 5, lines 33-38); a compressing unit (106) which generates compressed image data by compressing the image data outputted from the image pickup unit (col. 5, lines 33-38); a storage unit (107) which stores the compressed image data (col. 5, line 38); a decompressing unit (108) which compresses the compressed image data (col. 5, lines 39-40); a switching unit (a switch on the user interface (111)) which switches the normal shooting mode to the text shooting mode and vice versa (col. 6, lines 34-44); and an image processing unit (117) which performs image processing to the image data, wherein, after the decompressing unit decompresses the compressed image data of an image captured in the text shooting mode and stored in the

storage unit, the image processing unit effects image processing appropriate to a transmission destination to resulting decompressed image data (col. 5, line 66 – col. 6, line 9), and further recompresses resulting processed image data (col. 5, lines 38-42). However, Honma fails to explicitly teach a digital camera comprising with which a transmission destination unit which selects a destination to transmit the image data to, the destination being one of a facsimile machine or an email address, wherein the image processing is different for the email address and the facsimile machine, along with the image processing unit effects processing including clipping, small-step gray scaling, and resolution changing to resulting decompressed image data; the image processing unit detects a shooting angle of the digital camera with respect to the subject; and that in the text shooting mode, the storage unit stores shooting condition data in a one-to-one correspondence with the compressed image data, and the image processing unit effects the image processing to the image data based on the shooting condition data.

Referring to the Ejima et al. reference, Ejima et al. discloses a digital camera comprising a transmission destination unit which selects a destination to transmit the image data to, the destination being one of a facsimile machine or an email address; and an image processing unit that performs image processing differently for the email address and the facsimile machine (abstract; Figs. 20-26; col. 24, lines 47-51; col. 28, lines 12-15).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have combined the teaching of allowing the user to send image data to various locations as disclosed by Ejima et al. with the digital camera disclosed by Honma in order to make the camera more versatile by providing the user with more options than just sending an image to a printer. However, Honma in view of Ejima et al. still fail to disclose an image processing unit effects processing including clipping, small-step gray scaling, and resolution changing to resulting decompressed image data as well as the storage unit stores shooting condition data in a one-to-one correspondence with the compressed image data, and the image processing unit effects the image processing to the image data based on the shooting condition data in the text shooting mode.

Referring to the Fellegara et al. reference, Fellegara et al. discloses a digital camera with an image processing unit (70) (paragraph [0056]) for processing clipping, small-step gray scaling, and resolution changing to resulting decompressed image data (paragraph [0056] – cropping and resolution reducing).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have combined the teachings of image processing as disclosed by Fellegara et al. with the digital camera as disclosed by Honma in view of Ejima et al. in order to minimize storage space and to allocate space for flash memory as disclosed by Fellegara et al. (paragraph

[0056]). However, Honma in view of Ejima et al. in view of Fellegara et al. fail to disclose a digital camera with an image processing unit detects a shooting angle of the digital camera with respect to the subject as well as the storage unit stores shooting condition data in a one-to-one correspondence with the compressed image data, and the image processing unit effects the image processing to the image data based on the shooting condition data in the text shooting mode.

Referring to the Nemoto et al. reference, Nemoto et al. discloses a digital camera wherein the image processing unit detects a shooting angle of the digital camera with respect to the subject (constitution).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have combined the angle detection unit as disclosed by Nemoto et al. with the digital camera disclosed by Honma in view of Ejima et al. in view of Fellegara et al. in order to provide a proper quality image in accordance with the photographic conditions (the position of the subject). However, Honma in view of Ejima et al. in view of Fellegara et al. in view of Nemoto et al. still fail to disclose that in the text shooting mode, the storage unit stores shooting condition data in a one-to-one correspondence with the compressed image data, and the image processing unit effects the image processing to the image data based on the shooting condition data.

Referring to the Katayama et al. reference, Katayama et al. discloses a storage unit that stores shooting condition data in a one-to-one correspondence with the compressed image data, and the image processing unit effects the

image processing to the image data based on the shooting condition (Fig. 9; col. 13, lines 6-15).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have stored the shooting condition data in a one-to-one correspondence with the compressed image data as taught by Katayama et al. with the digital camera disclosed by Honma in view of Ejima et al. in view of Nemoto et al. in order to easily process the image according to the shooting conditions.

Regarding claim **14**, Honma in view of Ejima et al. in view of Fellegara et al. in view of Nemoto et al. in view of Katayama et al. discloses all the limitations as previously discussed with respect to claim 12 as well as disclosing that the digital camera further comprises a data communication unit (116) which allows a data communication with an external device (Honma: col. 5, lines 62-65).

Regarding claims **18** and **19**, please see the rejection basis/rationale as described in claims 12 and 14 (respectively) above.

Regarding claims **23** and **25**, please see the rejection basis/rationale as described in claims 12 and 14-17 (respectively) above.

Regarding claims **29** and **30**, please see the rejection basis/rationale as described in claims 12 and 14 (respectively) above.

Regarding claim **52**, Honma in view of Ejima in view of Fellegara et al. in view of Nemoto et al. in view of Katayama et al. disclose all the limitations as previously discussed with respect to claim 1, including that the shooting condition

data includes at least one of shooting magnification and guidance frame information (Katayama et al.: Fig. 9 – the header provides focus information which in turns provides information regarding the shooting magnification).

Regarding claims **53-55**, please see the rejection basis/rationale as described in claim 52 above.

6. Claims 15-17, 20-22, 26-28, and 31-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Honma in view of Ejima et al. in view of Fellegara et al. in view of Nemoto et al. in view of Katayama et al. as applied to claims 12, 14, 18, 19, 23, 25, 29, and 30 above, and further in view of Safai et al. (U.S. Patent 6,167,469).

Regarding claim **15**, Honma in view of Safai et al. in view of Fellegara et al. in view of Nemoto et al. in view of Katayama et al. discloses all the limitations as previously discussed with respect to claims 12 and 14, but fails to disclose a digital camera further comprising: a memory which stores name and/or telephone number and/or address of a destination, and an image deleting flag that specifies whether the image data should be deleted or not after transmission in a one-to-one correspondence; and a deleting unit which deletes the image data that has been transmitted through the data communication unit in accordance with the image deleting flag stored in the memory.

Referring to the Safai et al. reference, Safai et al. discloses a digital camera that comprises: a memory (212) which stores name and/or telephone number and/or address of a destination (col. 2, lines 45-48; col. 9, lines 15-45), and an image deleting flag that specifies whether the image data should be

deleted or not after transmission in a one-to-one correspondence (Fig. 4F; col. 12, lines 55-60; delete option check box (472)); and a deleting unit (trash (442); Fig. 4C) which deletes the image data that has been transmitted through the data communication unit in accordance with the image deleting flag stored in the memory (col. 10, lines 60-67).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have stored the addresses and controlled the deleting of images as described by Safai et al. with the digital camera disclosed by Honma in view of Ejima et al. in view of Nemoto et al. in view of Katayama et al. in order to allow the camera to be more user friendly.

Regarding claim **16**, Honma in view of Ejima et al. in view of Fellegara et al. in view of Nemoto et al. in view of Katayama et al. in view of Safai et al. discloses all the limitations as previously discussed with respect to claims 12 and 14 including that digital camera further comprises a deleting unit which deletes the image data that has been transmitted through the data communication unit depending on a transmission destination (Safai et al.: col. 12, lines 55-60; col. 8, lines 61-67 – email or physical mail address).

Regarding claim **17**, Honma in view of Ejima et al. in view of Fellegara et al. in view of Nemoto et al. in view of Katayama et al. in view of Safai et al. discloses all the limitations as previously discussed with respect to claims 12, 14, and 15 including that a manipulator is allowed to arbitrarily set a content of the

memory (Safai et al.: col. 3, lines 23-28 – operator can delete unwanted images using the Trash icon to free up memory space).

Regarding claims **20-22**, please see the rejection basis/rationale as described in claims 15-17 (respectively) above.

Regarding claims **26-28**, please see the rejection basis/rationale as described in claims 15-17 (respectively) above.

Regarding claims **31-33**, please see the rejection basis/rationale as described in claims 15-17 (respectively) above.

Allowable Subject Matter

7. Claims 36 and 38 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

8. The following is a statement of reasons for the indication of allowable subject matter: Prior art fails to teach or fairly suggest a digital camera having a normal shooting mode and a text shooting mode, comprising:

a. The display unit controls display and non-display of the guidance in accordance with the frame display information stored in the memory (claims 36 and 38).

9. Claims 34, 35, 39-41, and 43-49 are allowed.

10. The following is an examiner's statement of reasons for allowance: Prior art fails to teach or fairly suggest a digital camera having a normal shooting mode and a text shooting mode, comprising:

a. A display unit that controls display and non-display of the guidance on the monitor depending on a transmission destination, wherein the guidance is used to notify a shooting condition of a text while displaying on the monitor the video of the subject before being shot (claims 34, 35, 39-41, 43, 48, and 49).

b. A shooting angle detecting unit, wherein shooting is started when the shooting angle of the digital camera with respect to the subject becomes substantially perpendicular (claims 44-47).

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Heather R. Jones whose telephone number is 571-272-7368. The examiner can normally be reached on Mon. - Thurs.: 7:00 am - 4:30 pm, and every other Fri.: 7:00 am - 3:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on 571-272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Heather R Jones
Examiner
Art Unit 2621

HRJ
May 14, 2007